


EEO- 80-390
30 January 1980

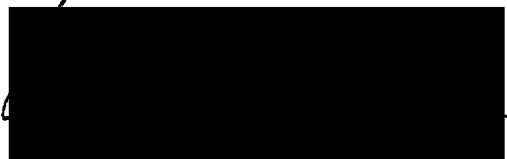
MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Operations
Director, National Foreign Assessment Center
Deputy Director for Science and Technology
Director, Equal Employment Opportunity
Comptroller

STATINTL

FROM : 
Chairman, Uniform Guidelines Task Force

SUBJECT : Summary of your Comments to the Uniform
Guidelines on Employee Selection Procedures

1. Your comments on the Uniform Guidelines on Employee
Selection Procedures Implementation Plan have been reviewed and
each recommendation summarized in the attached for your study.



Attachment:
As stated

STATINTL

cc: Director PPPM
Inspector General
Chairman, "E" Career Service

R E C O M M E N D A T I O N S

COMPONENT	PHASE I																				PHASE II										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	Alt 18	Alt 19	Alt 19A	20	21	22	23	24	25	26	27	28
DDA	X				X												X	D	D	A	A										
DDS&T		X	X	X			X			X	X					X			X	A							X				
NFAC	X	X	X		X		X	X	X	X		X		D	X	X	D	D	A	A	X	X		X	X	X	X	X	X	X	X
DDO						X									X						X										
D/EEO		X	X	X			X							X	X		A	A	D	D	D			X	X						
COMPT	X	X	X		X							X																			
D/PPPM													A							A	A	A									
Chairman																												X			
"E" Car Ser																															
IG																															

A=Agree
D=Disagree
X-Comment

Summary of Uniform Guidelines on Employee Selection Procedures

This summary does not contain the views of the DDO and NFAC, whose comments were received after the summary was compiled

Recommendation 1

DDA: Publishing a Headquarters Notice outlining this new program and procedures is a necessity if the responsible personnel are to have guidelines to follow pending publication of the regulation. In addition to the notice, I would also suggest that an orientation for managers and personnel officers be given to more thoroughly explain the background and the new procedures.

Comptroller: While we have no problem with the idea of an Agency notice on the subject, the draft proposed by the task force needs to be rewritten to make it more succinct and to the point. It should be a simple announcement of the existence of the guidelines and of Agency policy to comply with Federal requirements prohibiting discriminatory employment practices.

Recommendation 2

D/EEO: Since ultimately all of the selection processes of the Agency will be scrutinized, is it possible that recommendation two could be extended to all Agency employees. The sex and ethnic identification of employees will be necessary to ascertain adverse impact in areas other than hiring including for example, promotion, training, employee development.

Comptroller: The self-identification sheet seems innocuous enough, and we see no problem with including it as a part of the application package. We note that since completion of the form would be voluntary, race information for statistical purposes would be imprecise. However, this might not be a concern since the proposed procedure would limit the definition of an applicant to those who complete the form along with other pertinent application papers.

DDS&T: A question which might be raised is how to treat statistically those applicants who choose not to complete the self-identification sheet. If significant numbers choose not to complete the form, they would probably

be carried as "other", thus seriously eroding the utility of the statistical data. Additionally, if the completed form accompanies the applicant's folder to the selecting components, the potential is that this will prejudice selection decisions in the same way that in the past race and sex information, along with photographs, were deemed potentially prejudicial. I think it makes most sense for OPPPM to remove the form before circulating the files for indications of interest.

Recommendation 3

DDS&T: Some lack of clarity exists with the definition of "applicant" proposed by the Task Force. In many cases the PHS and self-identification sheet will be insufficient to determine if the individual meets the entrance-on-duty qualifications. It appears then that such an individual should not be considered an applicant until he/she has been interviewed.

D/EEO: I consider it vital that Recommendation Three and Recommendation Fourteen be combined in a single recommendation. My strong concern is that steps may be taken to ensure the lack of adverse impact in the selection of "applicants," as defined in your recommendation three, I am equally concerned that adverse impact not occur during selection as it occurs prior to the applicant's designation as "applicant." For that reason, I also recommend that the penultimate line of your current recommendation fourteen be revised to read: "...to detect imbalance in the "pre-applicant" screening process."

Recommendation 4

D/EEO: I recommend that Recommendation Four be reworded to state: "The Office of Personnel collect applicant and pre-applicant data (i.e., race, sex, etc. information) for all clericals, and forward monthly to the Office of EEO."

Recommendation 5

DDA: This states that statistical records for professional applicants will be maintained by each component and forwarded to a directorate focal point for consolidation. This procedure will result in "double counting" since applicant files are frequently reviewed by more than one office.

Accordingly, you could have 15 applicants with 53 rejects, thus distorting and making invalid any type of statistical data. In lieu of this procedure, I recommend that each office reviewing a file complete a form, such as shown in Tab J, and return it to SPD/Professional Staffing Branch (PSB). After the file has been reviewed by all interested components, PSB would review the individual forms and make a master form indicating results of review and reasons for reject (if appropriate). This way, each applicant would be counted only once.

Another advantage to this system would be a time-saving factor for personnel officers at the office levels and the directorate levels. While your report states that the record-keeping will be a simple task requiring little time, I believe this to be an optimistic statement, particularly for the large offices such as Communications and for the directorate level where ten or more reports would have to be consolidated.

Recommendation 8

DDS&T: With the understanding that some applicants are disqualified by OMS and OS and a percentage will withdraw their applications, the proposed flow data can reflect unfairly on office of directorate selections. To compensate for this situation, a fourth line might be added, on the Uniform Selection Procedures Summary Report, to each occupational series for reporting drop-outs which occur after processing begins.

Recommendation 9

D/EEO: Recommendation Nine should be reworded to state that the Office of Personnel collect data by race, sex, etc. on all applicants rejected for medical and security reasons and provide results monthly to the Office of EEO."

Recommendation 10

DDS&T: Clarification is needed because all employees at a grade level are "considered" for promotion at the same time. Some of those "considered" are recent EOD's, those recently promoted, those at the top of their grade scale, or those comparatively ranked too low to progress to higher levels. It should be clearly stated whether information is

required on all personnel in a given grade and job category or only those recommended for promotion.

Recommendation 11

Comptroller: The proposed summary reports--for new hires and promotions--will generate lots of paper not to mention the time required to maintain and tabulate the data. Would it not be possible to maintain the record--at least on applicants/new hires--centrally in O/PPPM? And is it necessary to record data by occupational series? What about the applicant not placed in process but considered for two or more positions in different occupational series or in different offices? Statistical data in such cases would be distorted and could lead to erroneous conclusions, particularly in applying the "4/5th's" or "80 percent" rule.

DDS&T: If OEE0 and OPPPM review the applicant flow data quarterly, this reporting frequency appears to be quite adequate for directorate reviews as well.

Recommendation 12

Comptroller: See comments for Recommendation 11.

Recommendation 13

D/PPPM: We agree with Recommendation 13 provided that this Office determines the specific functional relationship between the MEC and the Screening Panel.

Recommendation 14

D/EEO: See comments for Recommendation 3.

Recommendation 15

D/EEO: I recommend that Recommendation Fifteen be reworded in accord with the following edited version: The Director of Equal Employment Opportunity be responsible for the application of the 80% rule and the determination of adverse impact in the total selection process and for informing

The Uniform Guidelines, though impacting heavily on personnel selection procedures, remain essentially a Baedeker for Equal Employment Opportunity. In the view of the Task Force, therefore, the Director, EEO is the Agency officer who is responsible for determining adverse impact, proposing resolution, and ensuring Agency compliance with the Uniform Guidelines. This responsibility does not, however, attenuate the responsibility of the Director of Personnel for the collection and monitoring of personnel data; rather, the Task Force sees Uniform Guidelines implementation in the Agency as requiring the Director of EEO and the Director of Personnel to work closely in a cooperative effort to identify adverse impact and remedy its causes.

Recommendation 16

DDS&T: An office should be given an opportunity to correct its procedures before a full-scale investigation begins. This could be done by notifying an office that adverse impact is perceived and giving that office a specified number of days to provide a solution to the problem.

D/EEO: I recommend that Recommendation Sixteen be revised to read, "if adverse impact exists, the Director EEO may, at his discretion, appoint an EEO Specialist to conduct an evaluation of the total selection process for the job category concerned." I further recommend that the second paragraph of text following Recommendation Sixteen be dropped.

Recommendation 17

DDA: The form proposed (Tab J) to indicate the reasons for rejection does not provide for instances where the rejection is based on the reviewer's intuitive judgment or results of the personal interview. The interview is a valuable hiring tool where such factors as oral communication, ability to think on one's feet, personal appearance and motivation may be demonstrated. There is nowhere on the current form that a weakness in one of these areas could be appropriately explained.

To correct this omission in the form, I suggest that, in addition to the items now stated, more space be provided to encourage the officer to expand on the reasons for rejection with a specific section allotted for "interview results."

Recommendation 18

DDA: My choice is Alternative 18

DDS&T: I support Alternative Recommendation 18

D/EEO: I strongly urge the acceptance of Recommendations Eighteen and Nineteen. Concurrently, I strongly urge the rejection of Alternative Recommendations Eighteen and Nineteen as well as Nineteen A.

I disagree with the concepts exemplified in the alternative recommendations, and I feel obliged to point out the basis for that conflict. If the Office of EEO and the Director of EEO are the base of Agency expertise in equity and the determination of adverse impact, then that expertise and resultant judgments should be as accepted as is the judgment of the Office of Medical Services in medical matters, the Office of Security in security matters, the Office of Personnel in personnel matters, and the Office of General Counsel in legal matters. Even if that were not the case, the "high-level management review" allegedly provided by the "Board" proposed in Alternative Recommendation Nineteen is not what it is purported to be. The membership of the Board does not consist of management, it consists of representatives of those components outside of the chain of command. Secondly, except for personal knowledge the only expertise in the matter of adverse impact on the Board would rest in the General Counsel. Thirdly, the presence on the Board of the Director of Personnel, who is responsible for the operation of major elements of the selection process suggests a conflict of interest.

Use of the phrase "promotes objectivity" as applied to the Board, suggests the presence of a fundamental lack of objectivity in the Office of EEO and in the position of Director EEO. Why would there be less objectivity in the Director of EEO and the Office of EEO than in other non-line decision-making or enforcement components such as the Office of Security or the Office of Inspector General. With regard to Alternative Recommendation Nineteen A, the structure of this recommendation guarantees ineffectiveness by its design. As stated, lack of agreement with regard to adverse impact could only be presented for decision to the DDCI by agreement "of the Director EEO and the Head of the Directorate concerned."

Alternative Recommendation 18

D/EEO: Strongly urge rejection of Alternative Recommendation 18. See comments for Recommendation 18.

D/PPPM; For the reasons accompanying them in the Report we strongly urge the adoption of Alternative Recommendation 18, 19, and 19A and the parallel alternative page 4 of the draft notice at Tab F. We believe that informal discussions will contribute to the resolution of most cases of real adverse impact. Where such resolution does not result, the Review Board is a reasonable means to deal with difficult cases.

DDA: My choice is Alternative Recommendation 18.

DDS&T: I support Alternative Recommendation 18. See comments for Recommendation 18.

Recommendation 19

D/EEO Strongly urge rejection of Alternative Recommendation 19. See comments for Recommendation 18.

DDA: My choice is Alternative Recommendation 19.

D/PPPM: Strongly urge adoption of Alternative Recommendation 19.

DDS&T: "The Executive Committee will review such appeals. The EC will be supported by the D/OPPPM and the C/PSS serving as non-voting advisors."

It is important to involve senior line managers in this process. It is far better to have the deputies advising the DDCI on a matter so important to their operations (rather than the IG, and GC, and the Comptroller). Further, this avoids creating another board.

Alternative Recommendation 19

DDA: My choice is Alternative Recommendation 19

D/PPPM: Strongly urge adoption of Alternative Recommendation 19

Alternative Recommendation 19A

D/PPPM: Strongly urge adoption of Alternative Recommendation 19A.

Recommendation 21

D/EEO: I strongly recommend that a deadline, perhaps of December 1980, be placed on the Directors of Personnel and Equal Employment Opportunity and the Director of Training for the completion of these recommendations, if approved.

Recommendation 22

D/EEO: See comments for Recommendation 21

Recommendation 25

D/PPPM: With regard to Recommendation 25 we would emphasize the term: "time-phased". Job analysis as required by the Uniform Guidelines is not something that can be done either instantly or once-and-for-all. Planning for a continuous program emphasizing priority of positions will be required.

DDS&T: While the goal of this recommendation is laudable, serious resource implications are apparent. It is difficult to foresee this kind of activity being completed in the near term given the difficulties PMCD encounters doing the current three-year review.

Recommendation 28

DDS&T: I recommend that the DDA be given this responsibility instead of the General Counsel.